



## **PLANNING COMMISSION AGENDA**

**Wednesday, October 13, 2004**

6:00 p.m. Regular Meeting  
Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

**Bob Levy, Chair**  
**Bob Dhillon, Vice-Chair**

**Xavier Campos      Jay James**  
**Dang T. Pham**  
**Christopher Platten      James Zito**

**Stephen M. Haase, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***October 13, 2004***. Please remember to turn off your cell phones and pagers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

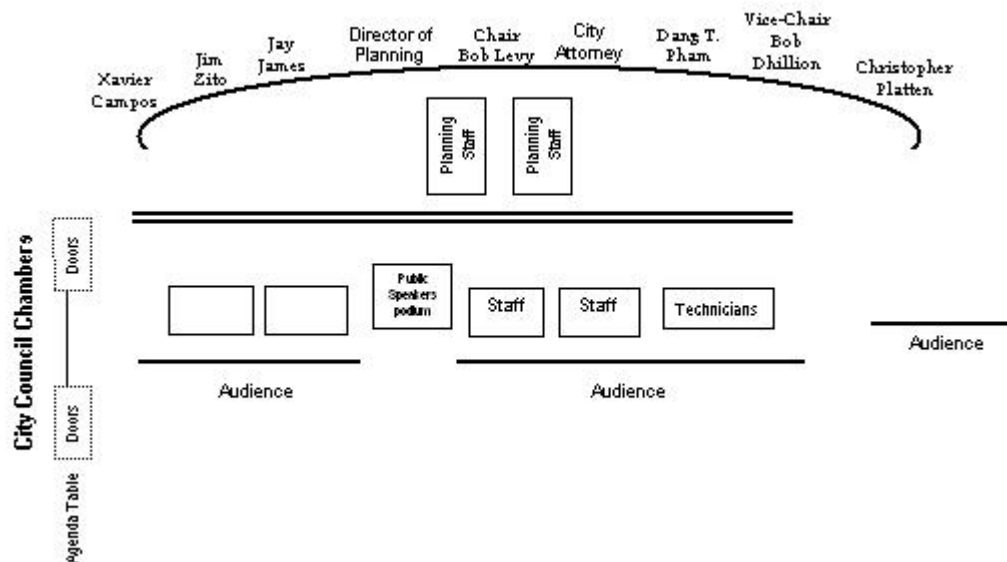
**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.**

Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda changes, please contact Linda LaCount ([linda.lacount@sanjoseca.gov](mailto:linda.lacount@sanjoseca.gov)).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. The projects being considered are located on the south side of State Street, approximately 300 feet easterly of Pacific Avenue, in the R-M Multiple Residence Zoning District (Next Step Homes, LLC, Owner/Developer). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 9-22-04.

1. **PDC03-104**. Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 0.41 gross acre site. Deferred from 8-25-04.
2. **PD04-035**. Planned Development Permit to construct 6 single-family detached residences on a 0.41 gross acre site.
3. **PT04-045**. Planned Tentative Map Permit to subdivide 1 parcel into 6 lots for single-family detached residential uses on a 0.41 gross acre site.

**DROP to be Renoticed**

- b. **PDC04-040**. Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences on a 1.75 gross acre site, located on the south side of East San Antonio Street, at South 34th Street (1650 E SAN ANTONIO ST) (Pham Thinh Et Al, Robert Ross and Janet Rausch, Owners; DKB Homes, Mr. Charles Walton, Developer). Council District 5. SNI: Gateway East. CEQA: Mitigated Negative Declaration.

**DEFER to 10/27/04**

### 3. CONSENT CALENDAR

#### NOTICE TO THE PUBLIC

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. [CP04-059](#). Conditional Use Permit to allow installation of a new slim-line design wireless communication monopole with a 500 square-foot associated equipment shelter on a 1.23 gross acre site in the LI Light Industrial Zoning District, located on the west side of King Road approximately 500 feet southeasterly of Las Plumas Avenue (Pacific Gas And Electric, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 9/22/04.

#### **Recommendation:**

Planning staff recommends that the Planning Commission to approve with conditions a Conditional Use Permit Permit to allow installation of a new slim-line design wireless communication monopole 60 feet in height and a new 300 square-foot associated equipment shelter as recommended by Staff.

- b. [CP04-045](#). Conditional Use Permit to allow in an existing 2,500 square foot vacant building a restaurant/bar; outdoor dining/gathering space; incidental outdoor music until 10:00 p.m.; and operation between the hours of 6:00 a.m. and 2:00 a.m. on a 0.11 gross acre site in the DC Downtown Commercial Zoning District, located at the southwest corner of South San Pedro and Post Streets (152 POST ST) (Daniel P. McIntosh Et Al, Owner). Council District 3. SNI: None. CEQA: Use of Downtown Strategy Plan EIR.

#### **Recommendation:**

Planning staff recommends that the Planning Commission to approve with conditions a Conditional Use Permit Permit to allow a public eating establishment, drinking establishment, entertainment establishment, and late-night use in an existing commercial building as recommended by Staff.

- c. [CP04-078](#). Wireless - Conditional Use Permit to allow 3 wireless communication antennas mounted atop an existing 117-foot tall PG&E utility tower and a 200 square-foot ancillary equipment shelter on a 1.32 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on west side of Taft Drive approximately 150 feet southerly of Coronet Drive (5449 TAFT DR) (Pacific Gas And Electric Co, Owner). Council District 9. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve with conditions a Conditional Use Permit Permit to allow 3 wireless communication antennas mounted atop an existing 117-foot tall PG&E utility tower and a 200 square-foot ancillary equipment shelter as recommended by Staff.

- d. [PDC03-005](#). Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development District to allow an existing unpermitted social service use in a single-family residential structure, an approximately 3,073 square foot expansion of the existing structure and off-site parking for a 0.17 gross acre site on a 0.17 gross acre site, located on the north side of Hanchett Avenue approximately 410 feet west of Alameda Avenue (1123 HANCHETT AV) (Young Life, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning to allow an existing un-permitted social service use in a single-family residential structure as recommended by Staff.

- e. [CP04-074](#). Conditional Use Permit to allow a 1,753 square foot residential care facility previously approved through a Conditional Use Permit that has expired on a 0.21 gross acre site in the R-M Multiple Residence Zoning District, located at/on east side of South Buena Vista Avenue, approximately 100 feet northerly of Scott Street (466 S BUENA VISTA AV) (Johnson Lori Y, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit that has expired on a Residential Care Facility for twelve residents and two (2) resident managers as recommended by Staff.

- f. [PDC04-054](#). Planned Development Prezoning from County to A(PD) Planned Development Zoning District to allow up to 30 single-family detached residences on a 3.49 gross acre site, located at the north side of Umbarger Road approximately 1,200 feet westerly of Senter Road (425 Umbarger Road) (TLB Properties LLC, Owner; DAL Properties LLC - Mark Lazzarini, Developer). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Prezoning to allow up to 30 single-family detached residences as recommended by Staff.

- g. [CP04-026](#). Conditional Use Permit to allow a 50-foot-high wireless communications monopole and an associated 375-square-foot ground-level equipment shelter at an existing public utility facility (San Jose Water Company) on a 12.49-acre site in the R-1-8 Residence Zoning District, located at the northwest corner of San Tomas Expressway and Williams Road (San Jose Water Works, Owner; AFL Telecommunications Rich Rolita, Developer). Council District 1. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit to allow a 50-foot-high wireless communications monopole and an associated 375-square-foot ground-level equipment shelter as recommended by Staff.

- h. [PDC01-040](#). Planned Development Rezoning from A- Agricultural District to A(PD) Planned Development District to allow the demolition of a single-family detached residence and the construction of 6 single family detached residences on a 0.83 gross acre site, located on the southwesterly corner of Chynoweth Avenue and Cedar Grove Circle (Vang Van Ho and Chinh Nguyen, Owner). Council District 2. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning to allow up to six (6) single-family detached residential units as recommended by Staff.

- i. [PDC04-033](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.48 gross acre site, located at the northwesterly terminus of South 34th Street (321 S 34TH ST) (Innovative Housing Solutions LLC, Owner/Developer). Council District 5. SNI: Gateway East. CEQA: Mitigated Negative Declaration.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning to allow up to five (5) single-family detached residential units as recommended by Staff.

The following items are considered individually.

#### 4. PUBLIC HEARINGS

- a. PDA84-046-01. APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE A PLANNED DEVELOPMENT PERMIT AMENDMENT to allow the removal of one Aleppo Pine tree 76 inches in circumference on an existing attached residential site, in the R-1-8 (PD) Planned Development Zoning District, located on the southerly side of Primavera Court, approximately 250 feet easterly of Primavera Drive (Via Primavera Homeowner's Association, Owners). Council District 2. SNI: None. CEQA: Exempt. Deferred from 9-22-04.

**Recommendation:**

Planning staff recommends that the Planning Commission uphold the Planning Director's decision to approve a Planned Development Permit Amendment to remove one (1) Aleppo Pine tree 76 inches in circumference on an existing attached residential site as recommended by Staff.

- b. PDC02-063. Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development District to allow the addition of stadium lighting on an existing football field, to allow use of the lights for a maximum of 15 evening events per year (including football games), to remove the requirement for fencing around plant preservation areas on the campus site, and to eliminate the numerical requirement for trip reduction, on an approximately 53-gross acre school campus, located at the easterly terminus of Skyway Drive, approximately 1,000 feet easterly of the intersection of Monterey Highway and Skyway Drive (100 Skyway Drive) (Valley Christian School/South Valley Christian Church, Owners). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval with conditions of the proposed Planned Development Rezoning to allow a lighted stadium for 15 evenings events per year (including football games), to remove the requirement for fencing around plant preservation areas on the campus site, and to eliminate the numerical requirement for trip reduction as recommended by Staff.

- c. The project site is located at/on the West side of South King Road approximately 780 feet northerly of Aborn Road (Entravision Communications Corp, Owner). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration.
1. PDC04-025. Planned Development Rezoning from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 158,650 square feet of mini storage uses, outdoor RV/boat



storage, a 2,700 square foot manager's office/residence, a 1,250 square foot radio transmitter building, continued operation of an existing 8,050 square foot transmitter/office building and (3) three existing radio transmission towers on a 9.91 gross acre site.

2. **PD04-019**. Planned Development Permit for consideration of the final site, architectural and landscape designs for the project as described above.
3. **PT04-024**. Tentative Map to reconfigure 3 existing subject parcels into 6 lots for commercial purposes.

#### **Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of the proposed Planned Development Rezoning, Planned Development Permit and Tentative Map to allow a new storage facility and outdoor RV/boat storage as recommended by Staff.

### **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

### **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

### **7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Curfew and Noise Monitoring Committee (Dhillon and James).
  - Coyote Valley Specific Plan (Platten)

- c. [Review of synopsis](#)
- d. Add additional Regular Meeting on Monday, November 29, 2004 (Wednesday, December 1, 2004 has a conflict with scheduled Historic Landmarks Commission hearing)

## 8. **ADJOURNMENT**

### **2004 PLANNING COMMISSION MEETING SCHEDULE**

October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers